UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,927	12/02/1999	DAVID SEAGER RENSHAW	UK999029	1912

25259 7590 10/24/2002

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
REASEARCH TRIANGLE PARK, NC 27709

EXAMINER
KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/452,927	RENSHAW, DAVID SEAGER	
	Examiner	Art Unit	
	Chuck O Kendall	2122	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 December 1999* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to the application filed 08/31/02
   Claims 1-35 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4,18-21,24 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Tabloski, jr et al. USPN 5,999,729.

Regarding claim 1, Tabloski shows creating a data file using a programming development environment on a computer system (abstract), comprising the steps of building a program to represent data file [13:62-67], compiling into a software executable [20:30-35], and running the executable to generate the data file [20:30-35].

Regarding claim 2 according to claim 1, whereby the program is built by linking a plurality of development components [3:42-47].

Regarding claim 3 according to claim 2, whereby at least one component comprises characteristic data file information [14:30-35].

Regarding claim 4 according to claim 3 whereby, on running the executable, at least one compiled component outputs its respective data file information into the data file [14:30-40].

Regarding claim 7 according to claim 2 wherein at least one development component comprisesa graphical icon for a visual development graphical user interface [Tabloski, fig 2 30].

Regarding 18 see reasoning in 1.

Regarding 19 see reasoning in 2.
Regarding 20 see reasoning in 3.

Regarding 21 see reasoning in 4.
Regarding 24 see reasoning in 7.
Regarding 35 see reasoning in 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5,6, 8-13, 22,23,& 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabloski jr. et al. USPN 5,999,729 hereinafter Tabloski as applied in claim 4, in view of Iyengar et al. USPN 6,018,627 hereinafter Iyengar.

Regarding claim 5 Tabloski discloses all the claimed limitations as applied in claim 4. Tabloski doesn't explicitly disclose on running the executable, at least one compiled component

creates a file output stream and writes its respective data file information to the output stream. However, Iyengar does disclose this feature, (abstract, see putting and taking output data from repository). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify and or combine the elements in Tabloski with Iyengar to implement the instant claimed invention because, data streaming is a general practice during program executing and allows data requirements to be instrumented into a program which makes running the program more efficient.

Regarding claim 6 according to claim 4 whereby, on running the executable, at least one compiled component causes another component to output its respective data file information into the data file [Tabloski, fig 3].

Regarding claim 8 according to claim 2 wherein the development components are Java beans [Iyengar et al, 12:8].

Regarding claim 9 according to claim 2 wherein the development components comprise a main component and a sub-component [Tabloski,13:65-14:10, see icon and dialogue box, fig 3 and fig 4].

Regarding claim 10, method of claim 8 where main development components represents a form [Tabloski, fig3].

Regarding claim 11 according to claim 10 wherein the sub-component represents a text field on the form [Tabloski, fig 4].

Regarding claim 12 according to claim 2 whereby the program is compiled by generating an executable component from each development component and linking the executable components together [6:18-23].

Regarding claim 13 according to claim 12 whereby, on running a first executable component, data file information from the first executable is output before running the next and

subsequent executable components [Tabloski,13:65-14:10, see icon and dialogue box, fig 3 and fig 4].

Regarding 22 see reasoning in 5.

Regarding 23 see reasoning in 6.

Regarding 25 see reasoning in 8.

Regarding 26 see reasoning in 9.

Regarding 27 see reasoning in 10.

Regarding 28 see reasoning in 11.

Regarding 29 see reasoning in 12.

Regarding 30 see reasoning in 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-17,31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn USPN 6,263,498 as applied in claim 1, in view of Davidson et al. USPN 6,083,276 hereinafter Davidson.

Alcorn discloses all the claimed limitations per claim 1. Alcorn doesn't explicitly disclose data file comprising mark-up information. However, Davidson does disclose data file comprising mark-up information [4: 50-52]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alcorn with Davidson to implement the claimed invention because, mark up information has the flexibility and simplicity of to provide the syntactic framework for configuring component based applications. [Davidson 4: 13-15].

Regarding claim 15 according to claim 14, wherein the mark-up information comprises XML [Davidson, 4: 50-52].

Regarding claim 16 according to claim 1 wherein the data file is for interpretation by a third party computer system. [Davidson 3:5].

Regarding claim 17 according to claim 16 Alcorn further discloses wherein the third party computer system comprises a dialogue management system for a computer telephony system. [dialogue management systems is interpreted as Alcorns RMI, and CORBA feature with carries out inter-communication between clients Alcorn,5: 47-55]

Regarding 31 see reasoning in 14.

Regarding 32 see reasoning in 15.

Regarding 33 see reasoning in 16.

Regarding 34 see reasoning in 17.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Greg Morse can be* reached at *(703) 308-4789.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is *(703) 305-3900.*

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft

Chuck O. Kendall

Software Engineer Patent Examiner

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100